



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
November 17, 2010

Mayor Matti Herrera Bower
Vice-Mayor Michael Góngora
Commissioner Jorge Exposito
Commissioner Jerry Libbin
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R7 Resolutions
R9 New Business and Commission
R10 City Attorney Reports

Reports and Informational Items

Presentations and Awards

- PA1 Presentation Of Sister Cities Plaque By Sister Cities Committee Chairman George Neary. (Page 3)
(Requested by Mayor Matti Herrera Bower)
(Deferred from October 27, 2010)
- PA2 Certificate Of Appreciation To Be Presented To “Las Maraqueras,” From The Little Havana Activities
& Nutrition Centers Of Dade County.
(Requested By Commissioner Michael Góngora)
(Deferred from October 27, 2010)
- PA3 Presentation On Ability Explosion By Disability Access Committee Chairman David New.
(Requested By Mayor Matti Herrera Bower)
- PA4 Presentation On The Miami Beach S.M.I.L.E. Campaign By Community Relations Board Chairwoman
Barbara Montero.
(Requested By Mayor Matti Herrera Bower)

CONSENT AGENDA

Action:

Moved:

Seconded:

Vote:

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Requiring
Miami Beach Restaurants To Post Scores Given By The Health Department. (Page 7)
(Requested by Commissioner Deede Weithorn)
- C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The
Relationship Between Organizations Applying For A Special Event Permit And Any Charitable
Donations They Claim Will Be Generated By The Event, Including Tracking Actual Funds Donated.
(Page 9)
(Requested by Commissioner Deede Weithorn)
- C4C Referral To The Finance And Citywide Projects Committee – Discussion Regarding An Economic
Impact Study And Options For Financing The Convention Center Renovation. (Page 11)
(Requested by Commissioner Deede Weithorn)
- C4D Referral To The Neighborhoods/Community Affairs Committee – Discussion Concerning Overgrown
Shrubs On Dunes And Beach Walks In Miami Beach. (Page 13)
(Requested by Vice-Mayor Michael Góngora)

C4 - Commission Committee Assignments (Continued)

- C4E Referral To The Neighborhoods/Community Affairs Committee To Discuss Various Issues Related To Flagler Memorial (Monument) Island, Its Current And Future Operations And Management Options. (Page 15)
(Parks & Recreation)
- C4F Referral To The Land Use And Development Committee – Discussion To Tighten The City Ordinance Involving Conditional Use Procedure For Second Hand Stores. (Page 17)
(Requested by Vice-Mayor Michael Góngora)
- C4G Referral To The Land Use And Development Committee – Discussion Regarding A Request By Members Of The La Gorce Neighborhood To Return Sections Of Pine Tree And La Gorce Drives To Two-Way Lanes. (Page 19)
(Requested By Mayor Matti Herrera Bower)

C6 - Commission Committee Reports

- C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On September 13, 2010: 1) Attendance. 2) Review And Acceptance Of Minutes. 3) Public Comments. 4) Commission Items: A) A Resolution Authorizing The Mayor And The City Clerk To Execute An Amendment To The Construction Services Agreement Between The City Of Miami Beach And M. Vila & Associates, Inc. (MVA), Dated June 3, 2009, For The Construction Of The Historic City Of Miami Beach Right Of Way Infrastructure Improvements Project, Neighborhood No. 9A, City Center; In The Negotiated Not To Exceed Amount Of \$874,193.54, To Provide Construction Services For Right Of Way And Infrastructure Improvements Surrounding The New World Symphony Campus (NWS), Pennsylvania Avenue Garage, And Lincoln Park Projects Located Within The Adjacent City Center Commercial District Bid Package 9B Project Area; And Further Authorizing \$87,419.35 As A Project Construction Contingency; With Funding Available From The Previously Appropriated Funds In The City Center Bid Package 9B RDA Construction Fund 365. B) A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Authorizing Additional Funding In The Amount Of \$335,000 For Construction Contingency For Sanitary Sewer Main Improvements Along Indian Creek Drive Between 26th And 41st Streets Construction Project; Funding For This Has Been Previously Appropriated From The Water And Sewer Gulf Breeze Fund 423. 5) Requested Reports. 6) Discussion. 7) A) Old Business: Construction Update: Normandy Shores Neighborhood Improvement, B) Status Report: Venetian Island Neighborhood Improvement Project, C) Status Report: Royal Palm Avenue And 44th Street Flooding Mitigation, D) Status Report: Palm & Hibiscus Island Undergrounding, E) Status Report: Flamingo/West Avenue Neighborhood ROW, F) Status Report: South Pointe Phase II Neighborhood Improvement Project, G) Status Report: South Pointe Phase 3, 4 And 5 Neighborhood Improvement Project, H) Flamingo Park. (Page 23)

C6 - Commission Committee Reports (Continued)

- C6B Report Of The Neighborhoods/Community Affairs Committee Meeting On October 5, 2010: **1)** Update Regarding The Status Of Efforts Made By The Administration To Encourage FDOT To Re-stripe The Lanes In The Mid Beach Area Along Alton Road. **2)** Discussion Regarding An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," By Amending Article III Thereof, Entitled "Litter," By Amending Section 46-92 To Clarify And Provide For Additional Prohibitions And Definitions For Litter With Regard To Leaf Blowers And Yard Maintenance Debris, And Clarifying Penalties For Certain Litter Violations; Providing For Repealer; Severability; Codification; And An Effective Date. **3)** Discussion Regarding Stalled Construction Projects And Code Violations. **4)** Consideration Of A Public Art Project By The Artist Tobias Rehberger To Be Commissioned For Placement In South Pointe Park, As Recommended By The Art In Public Places Committee. **5)** Discussion Regarding The Renaming Of The Handball Courts At Flamingo Park To Richard Bower, Mayor Bower's Late Husband. (Page 29)
- C6C Report Of The Land Use And Development Committee Meeting On October 25, 2010: **1)** Discussion Regarding A Request From The GLBT Committee To Allow Extended Hours Of Operation Of Certain Nightlife Venues During Four Major GLBT Tourism And Fundraising Weekends – Winter Party, White Party, Gay Pride And Aqua Girl. **2)** Discussion On The Issuance Of A Request For Proposal (RFP) To Conduct A Study For The Development Of A City-Wide Transportation And Parking Plan. (Page 37)
- C6D Report Of The Finance And Citywide Projects Committee Meeting On October 14, 2010: **1)** Discussion Regarding An Amendment To A Resolution Regarding Assignment Of A Police Officer To The Police Athletic League (PAL). **2)** Request For Approval To Issue A Request For Proposals (RFP) To Provide Parking Cashiers/Attendants And Supervisors For The City's Parking Garages; A) Criteria For Evaluations; B) Add A Labor Peace Clause. **3)** Discussion Regarding A Proposed Lease Agreement With Miami Police Federal Credit Union, For Use Of 196 Square Feet Of Office Space Within The Miami Beach Police Department Building. **4)** Discussion Of A Request From ECOMB, Inc., For An Amendment To Its Lease. **5)** Discussion Of A Request From Miami Beach Film Society, Inc., For An Amendment To Its Lease Agreement. **6)** Discussion Regarding The Miami Beach Festival Of The Arts And Potentially Contracting With A Professional Art Festival Company To Produce The Festival For The City. **7)** Discussion Regarding Parity For Future Sidewalk Café Fee Increases. **8)** Discussion Regarding Recent Billing Of Parking Impact Fees And The Possibility Of A Moratorium Due To Present Economic Market Conditions. **9)** Discussion Of Lincoln Road/Washington Collins Median. (Page 41)

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit Grant Applications To: 1) Miami-Dade County Homeless Trust For Funding From The Hotel/Motel And Homeless Management Information System (HMIS) Program In An Amount Not To Exceed \$40,000 For The City's Homeless Outreach Program; 2) Miami-Dade County Emergency Medical Services For Funding In An Amount Not To Exceed \$20,000 For The City's Fire Rescue Initiatives; 3) Department Of Homeland Security For Emergency Food And Shelter Funds In An Amount Not To Exceed \$20,000 For Food Vouchers And Emergency Assistance; And, 4) Approval Of A Local Agency Program Agreement With Florida Department Of Transportation (FDOT) For Funding Appropriated By The Florida Legislature In An Amount Not To Exceed \$534,000; Appropriating The Above Funds, And Matching Funds As Necessary, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications. (Page 51)
(Budget & Performance Improvement)
- C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Specifications For Precast Transformer Location Agreement With Florida Power And Light Company (FPL); And Further Granting FPL An Easement Over A Portion Of North Shore Bandshell Park For A Transformer And Underground Conduits That Will Serve The North Shore Bandshell Park And Facilities. (Page 59)
(Capital Improvement Projects)
- C7C A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 49-09/10, For Benefit Consultant Services To Provide Assistance In Determining The City's Employee Benefits Program; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Gallagher Benefit Services, Inc; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Bolton Partners, Inc.; And Further Authorizing The Mayor And Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations. (Page 69)
(Human Resources Department)
- C7D A Resolution Consenting To And Confirming The Appointment Of Richard G. Lorber As The Acting Director Of The Planning Department For The City Of Miami Beach. (Page 95)
(Human Resources)
- C7E A Resolution Consenting To And Confirming The Appointment Of Cynthia W. Curry As The Acting Director Of The Building Department For The City Of Miami Beach. (Page 101)
(Human Resources)
- C7F A Resolution Approving A First Amendment To The Use Agreement With The School Board Of Miami-Dade County, Florida, Dated October 18, 2000, Providing Parking Spaces For North Beach Elementary Faculty And Staff; Said Amendment Reducing The Number Of Parking Spaces Available For Use By The Board To 30; Approving The Next Five (5) Year Extension Of The Agreement, Commencing On July 23, 2011, And Expiring On July 22, 2016; Amending The Annual Rent Paid By The Board To The City From \$4,320.00 To \$3,150.00 (Or From \$360.00 Per Month, To \$262.50 Per Month); And Adding A New Article Entitled, "Legal Fees And Court Costs." (Page 113)
(Parking Department)

C7 - Resolutions (Continued)

- C7G A Resolution Approving A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 2740 North Bay Road, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant This Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions. (Page 123)
(Planning Department)
- C7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Architectural And Engineering Firms, Pursuant To Request For Qualifications (RFQ) No. 42-09/10, For Noise, Acoustic, And/OR Sound Services, On An "As-Needed Basis", For Projects In Which The Basic Construction Cost Does Not Exceed \$2 Million Or For Study Activities When The Fee For Such Professional Services Does Not Exceed \$200,000; Authorizing The Mayor And City Clerk To Execute Professional Services Agreements Upon Completion Of Successful Negotiations With The Six (6) Top-Ranked Proposers: Sieben Associates, Inc , Arpeggio Acoustic Consultant, LLC, The Audio Bug, Inc, Langan Engineering And Environmental Services, Inc, Edward Dugger + Associates, P.A., And Kinsella-Marsh Group, Inc. (Page 149)
(Planning Department)
- C7I A Resolution Setting A First Reading Public Hearing To Consider An Amendment To Chapter 142, "Zoning Districts And Regulations," Article II "District Regulations," Division 18 "PS Performance Standard District," Amending Section 142-693 "Permitted Uses," By Permitting Low Impact Car Washing And Auto Detailing In The CPS-2 District, When Completely Contained Within A Parking Garage Structure, And Not Visible From The Street Or Public Right-Of-Way. (Page 157)
(Planning Department)
- C7J A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 48-09/10, For The Project Development And Environment Study For The West Avenue Bridge Project; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Gannett Fleming, Inc.; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, T.Y. Lin International; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm, The Corradino Group, Inc. (Page 163)
(Public Works)
- C7K A Resolution Granting And Authorizing The Mayor And City Clerk To Execute A Perpetual Utility Easement To Florida Power And Light (FPL) To Provide Electrical Service For A Feeder Vault On The Site Of The New Miami Beach Soundscape (Lincoln Park). (Page 195)
(Public Works)

C7 - Resolutions (Continued)

- C7L A Resolution Approving And Authorizing The City Manager Or His Designee To Submit A Grant Application To The U.S. Department Of Housing And Urban Development (HUD) For Neighborhood Stabilization Program Round Three (NSP3) Funds In An Amount Not To Exceed \$1,475,088 For The Acquisition And Rehabilitation Of Eligible Properties For Affordable Housing For Income-Eligible Residents; Further Authorizing The Appropriation Of The Above Funds, The Incurring Of Reimbursable Pre-Award Costs; And Authorizing The Execution Of All Necessary Documents Related To This Application. (Page 201)
(Real Estate, Housing & Community Development)
- C7M A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment No. 1 To That Certain Lease Agreement By And Between The City And Mystery Park Arts Company, Inc., Dated January 13, 2010, For The Use Of The Two City-Owned Buildings, Commonly Known As The Carl Fisher Clubhouse And Little Stage Theater, Located At 2100 Washington Avenue, Miami Beach, Florida; Said Amendment Providing For A Reduction In Tenant's Payment Of Monthly Additional Rent, For A Period Of Five (5) Months, Commencing On December 1, 2010, And Ending On April 30, 2011. (Page 207)
(Real Estate, Housing & Community Development)
- C7N A Resolution Authorizing The Acceptance Of Sixty Two Thousand Five Hundred Dollars (\$62,500) Donation From The Miami Beach Arts Trust Resulting From The Proceeds Of The First Annual Miami Beach Arts Gala; And Further Appropriating Said Funds For The Creation Of A New Dedicated Cultural Grants Program Which Will Be Administered By The Cultural Arts Council Consistent With The City's Established Policies And Procedures. (Page 213)
(Tourism & Cultural Development)
- C7O A Resolution Approving A Contract Award, Pursuant To Invitation To Bid No. 43-09/10, For The Right-Of-Way Infrastructure Improvement Program – Neighborhood No. 13A – Star Island, Authorizing The Mayor And City Clerk To Execute An Agreement With Trans Florida Development Corp., At The Not-To-Exceed Amount Of \$696,887.45, For The Construction Of The Project, Plus Approve A Project Contingency In The Amount Of \$69,688.75 For A Grand Total Of \$766,576.20; \$563,131.54 From Funds Previously Appropriated In The Capital Budget; And Further Appropriating \$203,444.66 From Fund 429 Stormwater Projects Line Of Credit, With Such Funds To Be Repaid From Proposed Future Storm Water Bonds; Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project. (Page 217)
(Capital Improvement Projects)

End of Consent Agenda